

ORIGINAL

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

ORIGINAL
FILE

EX PARTE OR LATE FILED

In the Matter of)	ET Docket No. 92-28
)	
Amendment of Section 2.106 of the)	PP-29
Commission's Rules to Allocate)	PP-30
Spectrum to the Mobile-Satellite)	PP-31
Service above 1 GHz for)	PP-32
Low-Earth Orbit Satellites --)	PP-33
Requests for Pioneer's Preference)	
by Constellation, Ellipsat, Loral,)	
Motorola, and TRW)	

RECEIVED

JUN 18 1992

Federal Communications Commission
Office of the Secretary

To: The Commission

OPPOSITION OF TRW INC. TO MOTION TO STRIKE

TRW Inc. ("TRW"), by its attorneys and pursuant to Section 1.45(a) of the Commission's rules, hereby opposes the "Motion to Strike the Reply of TRW Inc." that was filed by Motorola Satellite Communications, Inc. ("Motorola") in connection with TRW's Motion to Stay the pioneer's preference aspect of above-captioned proceeding.

TRW filed its Motion for Stay on May 5, 1992, and Motorola filed its opposition thereto on May 12, 1992. TRW, relying on Section 1.45(b) of the Commission's rules, timely filed its Reply on June 2, 1992 -- ten days (plus three business days for mail service) after the last day for the filing of oppositions to TRW's Motion. See 47 C.F.R. §§ 1.45(b) and 1.4.

Now, Motorola asserts that the provisions of Section 1.45(d) and not Section 1.45(b) govern TRW's stay motion. It argues that "[t]he Rules specifically state that '[r]eplies to oppositions [to requests for stay] should not be filed and will

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not be considered.'" Motorola Motion to Strike at 2 (quoting 47 C.F.R. § 1.45(d), insertions in original).

Motorola has misread Section 1.45(d). The rule provides shorter pleading cycles in connection with "requests for stay of any order" 47 C.F.R. § 1.45(d) (emphasis added). Inasmuch as TRW has not requested a stay of a Commission order -- it seeks to prevent the issuance of an order -- and stays of orders are the only requests specifically enumerated in the rule, TRW's Motion for Stay is subject to the pleading cycles established in Sections 1.45(a) and 1.45(b).

In any event, TRW presented substantial public interest reasons as to why its Motion for Stay must be considered. The Reply that Motorola seeks to have stricken provides helpful elaboration on these matters, and should be considered irrespective of any possible procedural defects.

Accordingly, TRW respectfully urges the Commission to deny Motorola's motion to strike.

Respectfully submitted,

TRW Inc.

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CERTIFICATE OF SERVICE

I, Katharine K. Bryant, hereby certify that a copy of the foregoing "Opposition of TRW Inc. to Motion to Strike" were served by first-class mail, postage prepaid, this 12th day of June 1992, on the following persons:

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